

SECTION 2. Subsections (c) and (h), Section 191.007, Local Government Code, are amended to read as follows:

(c) *Except as provided by Section 11.008(b), Property Code, a [A] clearly identifying heading, similar to the headings on most commercially supplied printed forms, must be placed at the top of the first page to identify the type or kind of legal paper.*

(h) The filing fee or recording fee for each page of a legal paper that is presented for filing or recording to a county clerk and fails to meet one or more of the requirements prescribed by Subsections (b) through (g) is equal to twice the regular filing fee or recording fee provided by statute for that page. However, the failure of a page to meet the *following requirements [requirement prescribed by Subsection (b)(3) relating to type size]* does not result in a fee increase under this subsection:

(1) *the requirement prescribed by Subsection (b)(3) relating to type size; and*

(2) *provided that the legal paper complies with Section 11.008(b), Property Code, the requirement prescribed by Subsection (c) that a legal paper have a clearly identifying heading.*

SECTION 3. The change in law made by this Act applies only to a deed or deed of trust executed on or after the effective date of this Act. A deed, mortgage, or deed of trust executed before the effective date of this Act is covered by the law in effect at the time the deed, mortgage, or deed of trust is executed, and that law remains in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed the Senate on April 7, 2005: Yeas 31, Nays 0; passed the House on May 4, 2005: Yeas 138, Nays 0, two present not voting.

Approved May 13, 2005.

Effective May 13, 2005.

CHAPTER 46

S.B. No. 481

AN ACT

relating to creating an offense for the unauthorized operation of a recording device in a motion picture theater.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter H, Chapter 35, Business & Commerce Code, is amended by adding Section 35.935 to read as follows:

Sec. 35.935. UNAUTHORIZED OPERATION OF RECORDING DEVICE IN MOTION PICTURE THEATER. (a) *In this section:*

(1) *"Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology now known or later developed.*

(2) *"Motion picture theater" means a movie theater, screening room, or other place primarily used to exhibit a motion picture.*

(b) *A person commits an offense if the person, with the intent to record a motion picture, knowingly operates the audiovisual recording function of any device in a motion picture theater, while the motion picture is being exhibited, without the consent of the owner of the theater.*

(c) *An offense under this section is a Class A misdemeanor, except that the offense is:*

(1) *a state jail felony if the person has been previously convicted one time of an offense under this section; or*

(2) *a felony of the third degree if the person has been previously convicted two or more times of an offense under this section.*

(d) *It is a defense to prosecution under this section that the audiovisual recording function of the device was operated solely for official law enforcement purposes.*

(e) *If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.*

(f) *A person who reasonably believes that another has knowingly operated the audiovisual recording function of any device in a motion picture theater in violation of this section is privileged to detain that person in a reasonable manner and for a reasonable time to allow for the arrival of law enforcement authorities.*

SECTION 2. This Act takes effect September 1, 2005.

Passed the Senate on April 13, 2005: Yeas 30, Nays 0; the Senate concurred in House amendment on May 3, 2005: Yeas 31, Nays 0; passed the House, with amendment, on April 27, 2005, by a non-record vote.

Approved May 13, 2005.

Effective September 1, 2005.

CHAPTER 47

S.B. No. 1298

AN ACT

relating to restrictions on the transfer of a fuel tank to a metal recycling entity.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1956.103, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) *Subsection (a) does not apply to a fuel tank that has been completely drained and rendered unusable in accordance with Texas Commission on Environmental Quality rules regardless of whether the fuel tank is attached to a motor vehicle.*

SECTION 2. Section 1956.104, Occupations Code, is amended to read as follows:

Sec. 1956.104. NOTICE OF RESTRICTIONS. A metal recycling entity shall post in a conspicuous location a notice that:

- (1) is readily visible to a person selling material to the metal recycling entity;
- (2) is at least 24 inches horizontally by 18 inches vertically; and
- (3) contains the following language:

TEXAS LAW PROHIBITS:

1. THE SALE OF A WHOLE, FLATTENED, OR JUNKED MOTOR VEHICLE, AN APPLIANCE, OR ANY OTHER SCRAP METAL ITEM CONTAINING A LEAD-ACID BATTERY, FUEL TANK *THAT HAS NOT BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE*, OR PCB-CONTAINING CAPACITOR; AND

2. THE SALE OF LEAD-ACID BATTERIES, FUEL TANKS *THAT HAVE NOT BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE*, OR PCB-CONTAINING CAPACITORS INCLUDED WITH OTHER SCRAP METALS WITHOUT OUR PRIOR WRITTEN ACKNOWLEDGMENT.

VIOLATION OF THIS LAW IS A MISDEMEANOR.

SECTION 3. (a) The Texas Commission on Environmental Quality shall adopt standards required under Subsection (c), Section 1956.103, Occupations Code, as added by this Act, defining fuel tanks that are completely drained and unusable not later than December 1, 2005.